

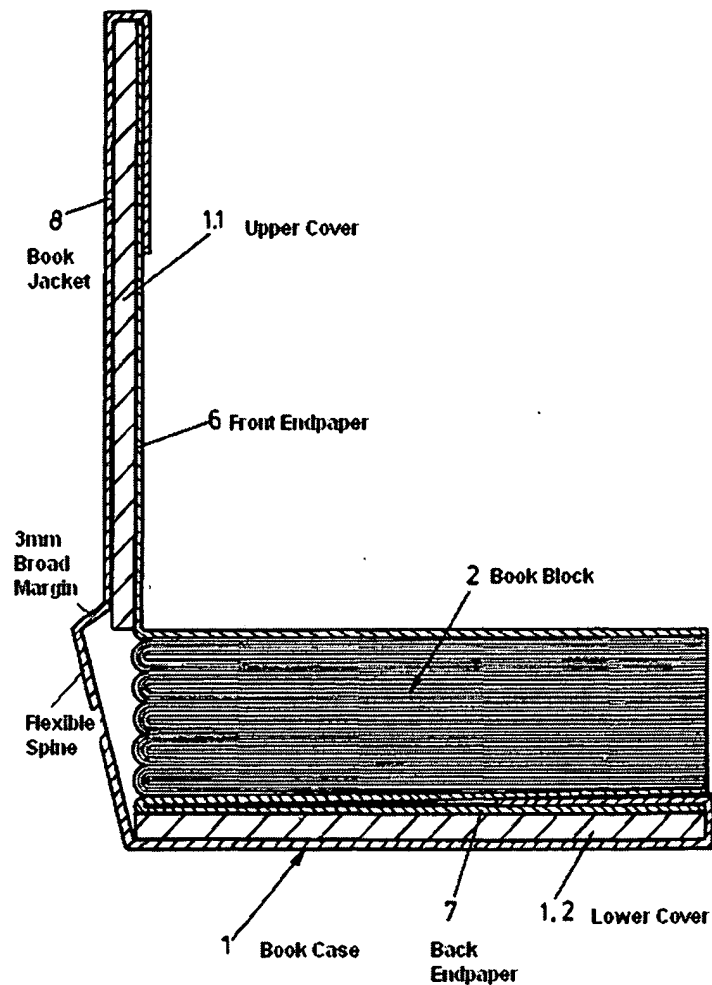
### **REMARKS**

Reconsideration of the above-identified application in view of the preceding amendments and following remarks is respectfully requested. Claims 3-9 are pending in this application and claims 1, 6 and 7 have been amended herein. It is respectfully submitted that no new matter has been introduced by these amendments, as support therefor is found throughout the specification and drawings.

In the Office Action, the Examiner rejected Claims 3-9 under 35 U.S.C. 103(a) as being rendered obvious by the combination of PG Pub. 2003/0106814 to Gelardi et al. (hereinafter "Gelardi") in view of German Patent Document DE20008218 to Petermann GmbH & CO. KG (hereinafter "Petermann").

Gilardi discloses a package for holding multiple media discs that includes a stack of disc-holding trays, and a flexible hinge member affixed to hinge edges of each tray, which secures the trays in relation to each other. The stack of trays may be mounted onto a panel of a folded jacket which includes front and back covers that are separated by a spine. As shown in Fig. 6, the entire width of the back cover is affixed to the bottom of the stack and only two hinge lines and a spine separate that front cover from the back cover.

Petermann discloses a bound book and a method for making the same. Figure 1 of the Petermann document is provided below. Applicants have also obtained a translation of the Detailed Description section of the Petermann document (pages 3-7) and have submitted a copy in an IDS filed concurrently herewith.



The Petermann book, shown above in Figure 1, includes a book case 1 and a book block 2. The book case 1 is formed of a firm upper book cover 1a and a firm lower book cover 1b. The book block 2 includes a plurality of four-sided folded sheets 2a, which are disposed next to each other and are glued together in the folded edge region 2b (shown in Figure 2).

The upper and lower book covers, 1.1 and 1.2 respectively, are completely separate from each other. The book case 1 is joined to the book block 2 in the region of the spine by means of gauze and glue application, as shown in Figure 2. The book further includes a jacket 8, which is permanently glued to the book case 1 in the region

of the upper and lower book covers, barring a 3 mm broad margin (shown in Figure 1 above) proceeding parallel to the spine at the front and the back and the spine itself.

According to the translation, an advantage of the Petermann book construction is that the book spine is displaceable, which makes it possible for the book to lay flat at an angle of 180 degrees when open. In other words, the spine region (i.e., the unglued portion of the jacket) is flexible and will lay flat. Since the spine is flexible, the flaps and the spine are not separated by hinge lines as the Examiner suggest. Therefore, like Gilardi, the cover/jacket is made of three sections, a front section, a back section and a flexible spine.

On page 3 of the Office Action the Examiner stated the following with respect to Petermann:

*Gelardi does not disclose the back portion of the cover including a strip that is connected to the cover spine along a first hinge line and connected to the back cover portion along a second hinge line. However, Petermann discloses a similarly binded package (fig. 1) with a front cover portion (1) and a back cover portion (8). The front portion and back portion are separated by a cover spine. The back portion includes a strip section that is connected to the cover spine along a first hinge line and connected to the back cover portion along a second hinge line (see below). It would have been obvious to one having ordinary skill in the art at the time of the invention to have incorporated the strip section of Petermann on the back portion of Gelardi in order to allow a problem-free and unhindered opening in addition to the planar elements lying flat when opened as taught by Petermann.*

Applicants respectfully disagree with the Examiner's characterization of Petermann based on the translation of the specification submitted herewith and assert that claims 3-9 are patentable over Petermann either alone or in combination with Gelardi. First, both Petermann and Gelardi disclose a package that includes a cover or jacket having three sections (a front portion, a back portion and a spine portion). The

jacket in Petermann is not formed in four sections that are separated by fold lines. If the lines identified by the Examiner in the edited Figure 1 were fold lines, the section identified by the Examiner as the strip section would have a width that would cause it to extend beyond the left end of the upper cover 1.1 resulting in the jacket spine not being in a plane which is parallel to the bound edge of the pages. Each of the independent claims of the present invention are directed to a product package or a method of making a product package that includes a cover with four distinct sections separated by hinge lines.

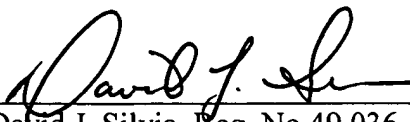
Additionally, each of Claims 3, 7 and 8 recite that the strip section of the cover is be separated from engagement with the stack when the cover is pivoted about the first and second hinge axis and moved into the opened portion. In the Petermann book, the cover is not moved to the open position by pivoting about the first and second hinge axis; it is pivoted about a third distinct axis. As noted above, the Petermann book is able to lay flat in the open position because of the flexibility of the hinge. In the present invention, the package is able to lay flat in the open position because the cover, spine and strip section are not adhered to the stack. The Peterson book could not be positioned as shown in Figure 4 if the areas identified by the Examiner as the spine and strip section were not a uniform piece of flexible material.

Therefore, Applicants respectfully submit that independent claims 1, 6 and 7 and each of the claims depending therefrom, namely claims 2-6, 8 and 9 are patentable over Petermann either alone or in combination with Gelardi and an action acknowledging the same is respectfully requested.

If after reviewing this amendment, the Examiner believes that a telephone interview would facilitate the resolution of any remaining matters the undersigned attorney may be contacted at the number set forth herein below.

Respectfully submitted,

Date: July 18, 2008

A handwritten signature in dark ink, appearing to read "David J. Silvia", is written over a horizontal line.

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